

JUDGE CROTTY

13 CIV 7742

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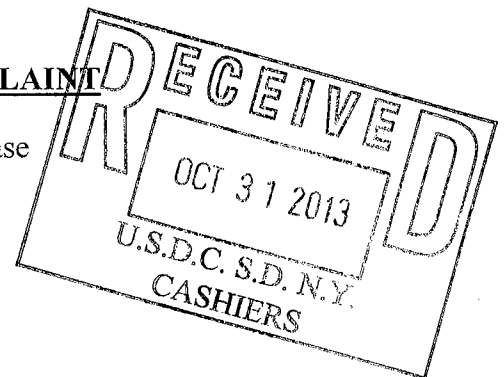
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X

HANKY PANKY LTD., :  
 :  
Plaintiff, :  
 :  
-against- :  
 :  
LIMITED BRANDS, INC.; VICTORIA'S SECRET :  
STORES BRAND MANAGEMENT, INC.; JOHN :  
DOES, JANE DOES and ABC CORPS, :  
Defendants. :  
 :  
----- X

COMPLAINT

ECF Case



Plaintiff Hanky Panky Ltd. by and through its undersigned attorneys, for its complaint hereby alleges as follows:

**JURISDICTION AND VENUE**

1. This Court has personal jurisdiction over the Defendants in that the Defendants reside and/or do business and/or transact business in the State of New York and in this District or can be found in this District.
2. Venue is proper in this Court pursuant to 28 U.S.C. §1391(b) and 1391(c) in that Defendants reside or transact business and/or do business within this district and/or in the State of New York.

3. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) and 15 U.S.C. § 1121 with respect to the claims arising under the Lanham Act, and supplemental jurisdiction pursuant to 28 U.S.C. §§ 1338(b) and 1367(a) with respect to the claims arising under New York law.

### **NATURE OF THE ACTION**

4. This is a civil action for trademark infringement and false designation of origin under the Trademark Act of 1946, 15 U.S.C. § 1051 *et seq.*, as amended (the “Lanham Act”), and common law unfair competition.

### **PARTIES**

5. Plaintiff Hanky Panky Ltd. (“Hanky Panky”) is a corporation organized and existing under the laws of the State of New York with its principal place of business at 373 Park Avenue South, New York, New York 10016.

6. Upon information and belief, Defendant Limited Brands, Inc., also known as L Brands, Inc., (“Limited”) is a corporation organized under the laws of the State of Delaware, with a principal place of business at Three Limited Place, Columbus, Ohio, 43230, and does and/or transacts business in this District.

7. Upon information and belief, Defendant Victoria’s Secret Stores Brand Management, Inc. (“VS”) is a corporation organized under the laws of the State of Delaware, owned and operated by Defendant Limited, with a principal place of business at Four Limited Parkway East, Reynoldsburg, Ohio, 43068, and does and/or transacts business in this District and, is involved in and participates in the selection, adoption and use of the trademarks of Defendant Limited.

8. Upon information and belief, Defendants John Does 1-10 (“John Does”) are individuals who reside or do or transact business in this District, and have engaged and

participated, directly or contributorily, in the unlawful acts set forth herein. The true identities of John Does are not presently known to Plaintiff. Plaintiff will amend its complaint upon discovery of the identities of such Defendants.

9. Upon information and belief, Defendants ABC Corps (“ABC Corps”) are businesses that reside or do or transact business in this District, and have engaged and participated, directly or contributorily, in the unlawful acts set forth herein. The true identities of ABC Corps are not presently known to Plaintiff. Plaintiff will amend its complaint upon discovery of the identities of such Defendants. (Limited, VS, John Does and ABC Corps are sometimes referred to collectively herein as “Defendants”).

#### **FACTUAL BACKGROUND**

10. Plaintiff is a privately held business which has operated for over 35 years using corporate name and trade name “Hanky Panky.” Since its formation, Hanky Panky has been among the most highly respected companies in the United States, engaged primarily in the business of manufacturing and selling women’s apparel and accessories, primarily underwear and lingerie, under its well-known trademark “Hanky Panky.”

11. Known for inventing its famous and distinctive lacy thong panty, Hanky Panky and its highly esteemed products have garnered accolades in both the fashion and business press due to, *inter alia*, the high quality of its products, its fashionable designs and its commitment to manufacturing here in the United States, at its New York facilities. Copies of examples of this favorable press coverage are attached as **Exhibit A**.

12. In order to keep its brand and product lines fresh and exciting, Hanky Panky continually designs, develops and introduces to market new collections and products that expand its favorable reputation in the apparel industry.

13. Among such new introductions, in 2010 Hanky Panky launched its AFTER MIDNIGHT Collection of ultra sexy lingerie. Specifically, the AFTER MIDNIGHT collection includes panties, teddies and other lingerie directed at couples and gift packs containing lingerie and sexual accessories such as lubricants and candles. Copies of photographs of Plaintiff's After Midnight Collection are attached hereto as **Exhibit B**.

14. Since 2010, Hanky Panky has spent an enormous amount of money in advertising and promoting its AFTER MIDNIGHT Collection. The Collection is prominently featured on its website at [www.hankypanky.com](http://www.hankypanky.com), and is continually featured and promoted in seasonal announcements to customers. Copies of such promotions are attached as **Exhibit C**.

15. The AFTER MIDNIGHT Collection also attracted the attention of the fashion press, and was featured, as recently as July 2013 in *Women's Wear Daily* and in February in *The New York Times*. A copy of these article and others are attached as **Exhibit D**.

16. Hanky Panky has continually used both AFTER MIDNIGHT and HANKY PANKY AFTER MIDNIGHT as trademarks in interstate, and indeed, international commerce, to refer to its products, including lingerie and sexual accessories (collectively, the "AFTER MIDNIGHT Marks").

17. Plaintiff is the owner of U.S. Trademark Registration No. 4,195,014, dated August 21, 2012, for the mark HANKY PANKY AFTER MIDNIGHT for "g-strings, thongs, underpants, bralettes, bras, camisoles, corsets, boyshorts, chemises, slips, gowns, robes, hosiery, and sleepwear" in International Class 25 ("After Midnight Registered Mark"). A copy of the Certificate of Registration is attached hereto as **Exhibit E**.

18. As a result of the long and continuous use of the AFTER MIDNIGHT Marks, and Hanky Panky's substantial investment of time, money and effort in advertising and promoting

such marks, the AFTER MIDNIGHT Marks have developed substantial public recognition, goodwill and secondary meaning.

19. By virtue of Plaintiff's extensive use in commerce, the relevant trade and public have come to associate goods bearing the AFTER MIDNIGHT Marks exclusively with Hanky Panky as the source of the products designated by those marks.

20. Beginning in 2003, Hanky Panky has also used the distinctive trademark INDULGE YOUR INNER FLIRT in connection with its famous lingerie products (the "INDULGE YOUR INNER FLIRT Mark").

21. Recently Hanky Panky has used its INDULGE YOUR INNER FLIRT Mark in combination with its AFTER MIDNIGHT Collection and Marks. A copy of a web banner is attached as **Exhibit F**.

22. Hanky Panky owns U.S. Trademark Registration No. 3328788, dated November 6, 2007, for INDULGE YOUR INNER FLIRT for clothing, namely lingerie and underwear" in International Class 25. This registration is valid and incontestable ("Indulge Your Inner Flirt Registered Mark"). Attached as **Exhibit G** is a copy of the Registration Certificate.

23. By virtue of Hanky Panky's extensive use and promotion of its INDULGE YOUR INNER FLIRT Mark, this Mark has developed substantial public recognition, goodwill and secondary meaning. The relevant trade and public have come to associate goods bearing the INDULGE YOUR INNER FLIRT Mark exclusively with Hanky Panky as the source of the products designated by that Mark.

#### **Defendants' Infringing Activities**

24. Notwithstanding Hanky Panky's open, notorious, and extensive nationwide prior use of its AFTER MIDNIGHT Collection and Marks, Defendants have recently launched a "new" collection of products as part of an "After Midnight" collection.

25. Upon information and belief, Defendants' "After Midnight" Collection currently consists of an "aphrodisiac candle," "aphrodisiac" massage oil, a perfume product, and a room spray, all sold in connection and advertised in conjunction with Defendants' intimate apparel and lingerie, such as thongs.

26. Like Hanky Panky's After Midnight Collection, Defendants' "After Midnight" Collection is prominently featured on the Victoria's Secret website at [www.victoriassecret.com](http://www.victoriassecret.com) in connection with a "very sexy" line of lingerie, and is thus directly and identically positioned as Hanky Panky's After Midnight Collection to the consumer. Copies of internet pages showing Defendants' products are annexed hereto as **Exhibit H**.

27. The goods of Defendants and the goods of Plaintiff are identical and/or related and substantially similar.

28. To make matters worse, concomitant with the launch of Defendants' infringing "After Midnight" collection, Defendants have also begun infringing a second registered trademark owned by Hanky Panky.

29. Specifically, in connection with advertising its new sleepwear, Defendants' Victoria's Secret website uses the following language:

"Indulge your inner flirt . . . "

This phrase appears repeatedly in connection with a number of intimate apparel items on Defendants' website, and reveals an attempt to appropriate this tagline to sell Defendant's products directly in competition with Hanky Panky. Pages from Defendants' website are attached as **Exhibit I**.

30. Upon information and belief, Defendants' misappropriation of the distinctive INDULGE YOUR INNER FLIRT Mark cannot be coincidental. Coupled with Defendants'

unlawful use of Hanky Panky's AFTER MIDNIGHT Marks, this additional infringement betrays a studied and deliberate misappropriation of Hanky Panky's valuable intellectual property.

31. Defendants conduct described above not only infringes Hanky Panky's valuable trademark rights, but also thwarts and indeed precludes Hanky Panky from expanding and further capitalizing on the success and investment made in its AFTER MIDNIGHT and INDULGE YOUR INNER FLIRT marks thus, taking from Hanky Panky valuable economic opportunities.

32. Upon information and belief, Defendants' conduct described above is willful and/or recklessly disregards Hanky Panky's rights.

33. Defendants' conduct has harmed and will continue to harm Hanky Panky's reputation and goodwill, and has caused the loss of sales and profits which Hanky Panky would have made but for Defendants' unlawful acts.

**FIRST CLAIM FOR RELIEF**  
**(Trademark Infringement)**

34. Hanky Panky repeats and realleges the allegations contained in paragraphs 1 through 33 above.

35. Defendants' activities as described above constitute infringement of the After Midnight Registered Mark in violation of Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1).

36. Defendants knew or should have known of the existence of Hanky Panky's After Midnight Registered Mark at the time Defendants adopted the "After Midnight" trademark.

37. On information and belief, Defendants adopted and used the Marks in bad faith with actual or constructive knowledge and/or reckless disregard of and indifference to Plaintiff's rights in and to its After Midnight Registered Trademark.

38. Defendants' use of "After Midnight" so resembles Plaintiff's "After Midnight" and "Hanky Panky After Midnight" Marks as applied to their goods that it is likely to cause confusion, mistake and/or deception, or to cause people to assume that Defendants' goods are sponsored by or produced under license from or otherwise affiliated with Plaintiff (or visa versa.)

39. Alternatively, because of Defendants' disproportionately larger size, advertising budget and resources, Defendants' use of Plaintiff's After Midnight Registered Trademark is likely to cause reverse confusion, mistake, and/or deception among the public and the trade, who will believe that Hanky Panky's or its "After Midnight" products emanate from, are approved or sponsored by, or are in some way associated or connected with Defendants, or that Hanky Panky has inferior rights to Defendants and is seeking to free-ride upon Defendants' reputation.

40. Additionally, because of Defendants' disproportionately larger size, advertising budget and resources, Defendants' use of the marks identical to Plaintiff's has and will continue to overwhelm and swamp Plaintiff's, to cause Plaintiff to lose the value of and goodwill in its intellectual property

41. Defendants' unlawful activities result and will result in irreparable harm and injury to Plaintiff. Among other harms, these acts deprive Plaintiff of its absolute right to determine the manner in which its image is presented to the general public; deceive the public as to the origin and sponsorship of Defendants' services and wrongfully trade upon Plaintiff's reputation and exclusive rights in Hanky Panky's After Midnight Registered Mark.

42. The aforementioned acts by Defendants have damaged and, if not enjoined, will continue to damage Hanky Panky and cause it irreparable harm, for which Hanky Panky has no adequate remedy at law.



43. Plaintiff's damages from the unlawful actions of Defendants are not yet determined.

**SECOND CLAIM FOR RELIEF**  
**(Trademark Infringement)**

44. Hanky Panky repeats and realleges the allegations contained in paragraphs 1 through 43 above.

45. Defendants' activities as described above constitute infringement of the Indulge Your Inner Flirt Registered Mark in violation of Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1).

46. Defendants knew or should have known of the existence of Hanky Panky's Indulge Your Inner Flirt Registered Mark at the time Defendants adopted the "Indulge Your Inner Flirt" trademark.

47. On information and belief, Defendants' adoption and use is in bad faith with actual or constructive knowledge and/or reckless disregard of and indifference to Plaintiff's rights in and to its Indulge Your Inner Flirt Registered Trademark.

48. Defendants' unlawful activities result and will result in irreparable harm and injury to Plaintiff. Among other harms, these acts deprive Plaintiff of its absolute right to determine the manner in which its image is presented to the general public; deceive the public as to the origin and sponsorship of Defendants' goods and wrongfully trade upon Plaintiff's reputation and exclusive rights in Hanky Panky's Indulge Your Inner Flirt Registered Mark.

49. The aforementioned acts by Defendants have damaged and, if not enjoined, will continue to damage Hanky Panky and cause it irreparable harm, for which Hanky Panky has no adequate remedy at law.

50. Plaintiff's damages from the unlawful actions of Defendants are not yet determined.

**THIRD CLAIM FOR RELIEF**  
**(False Designation of Origin)**

51. Hanky Panky repeats and realleges the allegations contained in paragraphs 1 through 50 above.

52. Defendants' actions constitute unfair competition and false designation of origin in violation of Section 43(a)(1)(B) of the Lanham Act, 15 U.S.C. § 1125(a)(1)(B).

53. The aforementioned acts by Defendants have damaged and, if not enjoined, will continue to damage Hanky Panky and cause it irreparable harm, for which Hanky Panky has no adequate remedy at law.

54. Plaintiff's damages from the unlawful actions of Defendants are not yet determined.

**FOURTH CLAIM FOR RELIEF**  
**(Common Law Unfair Competition)**

55. Hanky Panky repeats and realleges the allegations contained in paragraphs 1 through 54 above.

56. By misappropriating and using marks that replication Hanky Panky's AFTER MIDNIGHT and INDULGE YOUR INNER FLIRT Marks, Defendants misrepresent and falsely describe to the general public the origin and source of the goods offered by them and create a likelihood of confusion as to both the source and sponsorship of such goods.

57. Defendants' conduct creates the express and/or implied misrepresentation that Defendants' goods are authorized or approved by Hanky Panky.

58. Defendants' aforesaid acts constitute unfair competition in violation of the common law of the State of New York.

**PRAYER FOR RELIEF**

**WHEREFORE**, Hanky Panky respectfully requests that the Court:

A. Preliminarily and permanently enjoin Defendants, their officers, agents, employees, and related companies, and all persons acting for, with, by, through, or under them, from:

(i) Using the designation "After Midnight" or any other mark, term, name or title confusingly similar to Hanky Panky's AFTER MIDNIGHT Marks; and

(ii) Using the designation "Indulge Your Inner Flirt" or any other mark, term, name, title or phrase confusingly similar to Hanky Panky's INDULGE YOUR INNER FLIRT Mark; and

(iii) Committing any other act calculated or likely to cause the public to believe that Defendants are in any manner connected, affiliated or associated with Hanky Panky or from otherwise competing unfairly with Hanky Panky.

B. Order Defendants, pursuant to 15 U.S.C. § 1118, to deliver to Hanky Panky for destruction all material (including, without limitation, all inventory, advertisements, promotional materials, brochures, signs, displays, stationary, business cards and/or invoices) within their possession, custody or control, either directly or indirectly, that bear the designation "After Midnight" and/or "Indulge Your Inner Flirt" or any other marks, terms, names, titles or phrases confusingly similar thereto;

C. Direct Defendants, pursuant to 15 U.S.C. § 1116(a), to file with the Court and serve upon Hanky Panky, within thirty (30) days after entry of final judgment, a report in writing

and under oath setting forth in detail the manner and form by which they have complied with the provisions set forth above;

D. That Defendants be ordered to undertake or to compensate Hanky Panky for the cost of corrective advertising and other corrective measures reasonably calculated to attempt to mitigate the confusion engendered by Defendants' infringing conduct;

E. Direct Defendants, pursuant to 15 U.S.C. § 1117(a), to account to Hanky Panky for all gains, profits and advantages derived from Defendants' wrongful acts;

F. Award to Hanky Panky, pursuant to 15 U.S.C. § 1117(a), the greater of three times the amount of Defendants' profits or any damages sustained by Hanky Panky, together with interest on such amount and the costs of this action;


G. Award to Hanky Panky, pursuant to 15 U.S.C. § 1117(a), its attorneys' fees and the costs of this civil action; and

H. Award to Hanky Panky such other and further relief as the Court deems just and proper.

Dated: New York, New York  
October 31, 2013

Respectfully submitted,

COWAN LIEBOWITZ & LATMAN, P.C.

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## **EXHIBIT A**

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PAGE ONE

A Tiny Scrap Of Fabric Wins A Huge Following

Hanky Panky's Model 4811 Is a Thong Unto Itself; 'It's Like Lace Butter'

By GWENDOLYN BOUNDS

Staff Reporter of THE WALL STREET JOURNAL


June 18, 2004; Page A1

Supermodel Cindy Crawford has purchased 4811, her publicist confirms. Manhattan boutique La Petite Coquette says actress Julianne Moore bought 4811 "in a rainbow of colors" earlier this year. It's the top-seller in its category at Trousseau in Chicago among working women. "I can't get customers to try anything else," says owner Christy Horton.

For the last decade and a half, a little-known company called Hanky Panky has thrived making a \$15 lace thong known simply by its style number, 4811. In the cutthroat world of lingerie sales, that is no small thing.

What gives? Well, the undergarment itself does. "It's really, really soft and super-stretchy, so it doesn't dig into you like all the other brands," Ms. Horton says. "We call it our starter thong."

Thongs are the biggest thing to hit underwear in the last 20 years. They accounted for one-quarter of the entire \$2.6 billion panty market last year, according to NPD Group, a marketing information company in Port Washington, N.Y. Once the domain of a daring few, thongs have gone mainstream. You can buy them at Wal-Mart for \$1.50.



Front-and-back views of Hanky Panky's 4811 lace thong

Hanky Panky has just a tiny share of the thong market. But even among women who favor fancy Italian and French brands -- Cosabella, Argentovivo, Lise Charmel -- the made-in-the-USA 4811 has a cult following.


"It's like lace butter," says Joni Wheat, a 33-year-old personal shopper in Chicago. Ms. Wheat, who thinks nothing of dropping \$100 or more on high-end European bra-and-underwear sets, figures she owns about 30 thongs in model 4811. Adds Lauren Martin, a 35-year-old Manhattan psychotherapist who spends most of her workday seated: "I have full hips and have tried all the fancy \$200 sets, but I can never wear the panties." These days, she says Hanky Panky's lace thong is her only underwear.

Based in a Manhattan loft, Hanky Panky is led by its two 57-year-old founders, Gale Epstein and Lida Orzeck. Friends from their college days in the 1960s, the two teamed up as business partners in the late '70s after Ms. Epstein gave Ms. Orzeck a panty and bra set she designed using handkerchiefs as a 30th-birthday present.

"It was a very significant gift," says Ms. Orzeck, who has a Ph.D. in social psychology from Columbia University and was working as a researcher. "I thought the underwear was the cutest thing," she says.

Ms. Epstein was working at a sweater company. During lunch hours and at night, they began to cook up a new lingerie venture. Since they lived in the same apartment building, they had "stairwell summits" in the dim lighting between floors to discuss marketing, production and occasionally mull over designs. The next day, Ms. Epstein would flesh out new samples of artsy camisoles, bikini pants and petticoats. Ms. Orzeck sold them to big-name department stores, including Lord & Taylor and Macy's, that were hungry for new talent. Hanky Panky broke even its first year, the founders say.

The seeds of 4811 were sown in 1978 when Ms. Epstein, inspired by Rio sunbathers in revealing bikinis, designed Hanky Panky's first G-string. She and Ms. Orzeck felt U.S. women were ready for something more liberating than common underwear. This time around, the same department stores balked, insisting such garments were better suited for Frederick's of Hollywood. "They hadn't caught up to the sexual revolution yet," Ms. Orzeck says of the retailers.



Gale Epstein

But timing was on Hanky Panky's side. A generation of working women, weary of dressing like the boys, would soon become eager for something to make them feel feminine underneath. And as they began slipping into more-fitted suits for the office, they sought to avoid visible panty lines. Hanky Panky's chieftains seized on the thong as a palatable compromise between the rather extreme G-string and a regular panty.

Being women gave them an edge: They didn't need to call in a model to test designs, says Ms. Epstein, who attended New York's Parsons School of Design. Instead, she personally tested every sample herself, taking garments home and wearing them for an evening, occasionally soliciting her boyfriend's opinion. Hanky Panky launched its first mainstream thong in 1986, and Ms. Epstein kept fiddling until she arrived at what would become the company's ultimate cash cow three years later. They adopted the style number 4811 and sold 5,000 pairs the first year.

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http://online.wsj.com/article/0,,SB108751649382641098-search,00.html?collection=autowire%2F30day&vql\_string=Hanky+Panky%3... 6/18/2004



The secret to 4811 lies in the careful calibration of the garment, which weighs a mere half-ounce, about as much as four cloves of garlic. To keep costs down, Ms. Epstein wanted to design a one-size thong that would fit most women, and she knew stretch lace was a particularly forgiving material. So she scoured New York manufacturers until she found a fabric with the perfect "modulus" -- or elasticity -- for the crucial hip band. It used enough spandex to stretch but not so much as to bind bare skin.

For the front and back Vs, she fretted over the fabric's so-called "hand": its pliability, how it draped, where it pulled and puckered. She insisted on a 100% cotton gusset (industry parlance for crotch lining) and tinkered until the depth of the lining sat just so. The final key ingredient was a thin line of super-soft lace around the thong's edge. That can trigger production headaches because sometimes the lace shrinks in width when dyed and becomes more difficult for the sewing machine to accept.

The result: "It lays flat on you," says Rebecca Apsan, the owner of La Petite Coquette, which carries some 85 different thong brands. She has given away samples of the 4811 to reluctant thong customers to teach them that not all thongs rub the wrong way.

Meantime, persnickety fashion publications also have opined on the curious comfort of various Hanky Panky thongs: "My favorite!" said one test-driver of 4811 for In Style's February 2002 issue. "The Hanky Panky thong revolutionized the thong market," says Hope Greenberg, fashion director for Lucky magazine, which commends the 4811 in its current (June) issue. "They did an amazing thing by creating a thong that looks really pretty and is amazingly comfortable."



**Lida Orzeck**

Last year, sales of 4811 climbed to 250,000 pieces, and accounted for nearly 10% of Hanky Panky's \$10 million in revenue from lingerie, sportswear and sleepwear.

Ms. Epstein not long ago returned to the drawing board to whip up a new low-rise thong to wear with the hip-hugging pants now in vogue. "It wasn't a matter of just lowering the garment," she explains patiently. "You had to make it wider in the hips, and it had to not shift to the front or back."

After trying on endless samples in the office with her low-rise jeans, readjusting the depth of the band's V, and slimming down the front and back triangles until the garment shed one-eighth of an ounce, she finally got the new thong to fit. Its style number is 4911.

Write to Gwendolyn Bounds at [wendy.bounds@wsj.com](mailto:wendy.bounds@wsj.com)

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## **EXHIBIT B**





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**Sale**



The sizzling Hanky Panky After Midnight® collection features sexy crotchless panties, sensual peek-a-boo bralettes, daring teddies and babydolls in our soft laces and stretch tulle.

[Collections >](#) [Hanky Panky After Midnight®](#)



**Studded Heavy Metal Bralette**  
**\$49**

New Arrival!



**Studded Heavy Metal Low Rise Thong**  
**\$26**

New Arrival!



**Studded Heavy Metal Brazilian Bikini**  
**\$36**

New Arrival!



**Studded Heavy Metal Cuffs**  
**\$16**

New Arrival!



**Signature Lace Fringe Bralette**  
**\$44**

New Arrival!



**Signature Lace Fringe Thong Back Teddy**  
**\$62**

New Arrival!



**Signature Lace Fringe Garter Belt**  
**\$42**

New Arrival!



**Signature Lace Fringe Crotchless Thong**  
**\$24**

Crotchless!



The Pleasure Principle Gift Set  
\$225

Indulgences Pleasure Set  
\$40

Share the Love Gift Set  
\$62

"Naughty & Nice" Box 2 Pack Thongs  
\$38

Watch the Video!

Online Exclusive!

Watch the Video!

New Color!



"Naughty & Nice" Box 2 Pack Thongs  
\$38



Leopard Nouveau Peek-A-Boo Bralette  
\$49



Leopard Nouveau Crotchless Cheeky Hipster with Oversized Keyhole  
\$32



Leopard Nouveau Crotchless Low Rise Thong  
\$19

New Arrival!

Crotchless!

Crotchless!



Leopard Nouveau Crotchless Low Rise Thong Packaged  
\$19

New Arrival!



Signature Lace Tie Bralette  
\$48



Signature Lace Crotchless Thong  
\$18

Crotchless!



Signature Lace Crotchless Thong Packaged  
\$18

More Colors Inside!



"Cage" Crotchless G-String  
\$27



Retro Lace Bralette with  
Mesh  
\$67



Retro Lace Crotchless  
Thong with Mesh  
\$35



Nude Illusion Tie Bralette  
\$48

Crotchless!

Crotchless!



Nude Illusion Crotchless  
Bikini  
\$35



Nude Illusion Crotchless G-  
String  
\$18



Luxe Lace Open Bralette  
\$49



Luxe Lace Open Bralette  
\$49

Crotchless!

Crotchless!



Luxe Lace Crotchless Brief  
\$36



Luxe Lace Crotchless Brief  
\$36



Peek-a-Boo Side Tie Bikini  
\$25



Peek-a-Boo Lace Babydoll  
with G-String  
\$92

Crotchless!

Crotchless!





Signature Lace Frame Bralette  
\$42



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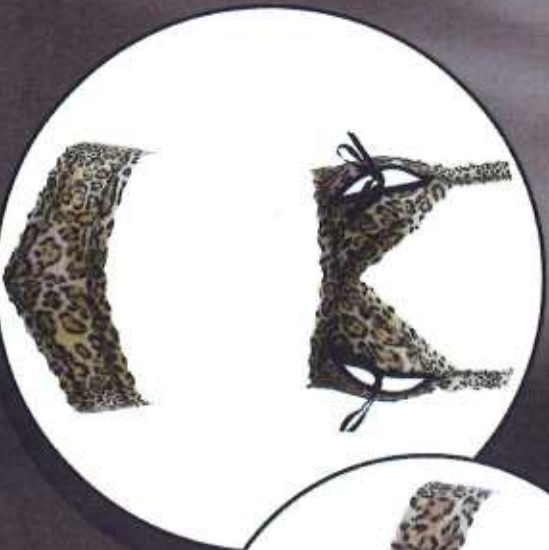
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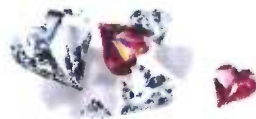
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Trendsetter of the  
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Spring 2014 Trend:  
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July 29, 2013

## Innerwear Trend: Notes of a Scandal

By JESSICA IREDALE (/WWD-  
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Styled By Kim Friday (/wwd-masthead/kim-  
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"It is only by way of pain that one arrives at pleasure," wrote the Marquis de Sade, patron saint of bondage gear. That rule has been revised recently in the hands of lingerie designers who prefer their scandal handled delicately. In other words, lingerie for a woman who wants the attitude of S&M but is definitely not a masochist. For example, bras with small cutouts plus an extra strap or two, paired with a high-waisted panty, capture an edgy, seductive style while retaining a user-friendly comfort level.

Hanky Panky launched its After Midnight collection in 2010, with styles that include a bra in its signature stretch lace with peak-a-boo on the cups, decorated with pink bows for a romantic touch. The idea behind After Midnight was "erotic, sexy lingerie that's also pretty, feminine and comfortable; that women actually want to wear to feel sexy in," says Larissa Sheinman, a designer for Hanky Panky. "There's a lot on the market that's cheap and trashy, and [a lot] that is very, very, very high-end. We found this niche for ourselves for pretty things that are still comfortable."

While the Hanky Panky collection is very much on the innerwear to all, the most daring labels, such as Noe Undergarments and For Love & Lemons, carry styles designed to be seen, and not just in the bedroom. Noe's Zachary X bodysuit is



(/fashion-news/trends/innerwear-trend-  
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Something Wicked's leather and suede bra with Honda Shear Ahh Lifestyle Collection's nylon and index shaper skirt. Dogeared necklace; Carolina Amato Accessories gloves; Emy Mack pumps.

Photo By George Chinsee

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done in soft nude mesh with soft underwire cups and a thick herringbone T-strap back. "It has that bondage feel, but it's for the woman who doesn't want to take it to that extreme level," says Noe designer Bonnie Rae, noting that it's meant to be worn under a sheer dress or tunic to show off the upper details. "It's wearable and you can kind of play it on the fence, but it's not a piece for everyone." Rae said the bodysuit is not exactly a bestseller — just three accounts picked it up for fall: Faire Frou Frou in Los Angeles; Stash at The Montauk Beach House, and a store in Australia, where the bare-and-dare trend has been going strong for a while.

Laura Hall and Gillian Mahin of For Love & Lemons both used to work for Australian fashion lines. "When we were there, all the women wore sheer garments," says Hall. "They all wore really pretty negligees with underwear underneath it." That look inspired For Love & Lemons' Love You Knot velvet bondage bralette and matching high-waisted brief. "The whole purpose is to have some sort of cool, strappy, bondage-y item to replace the slip," says Hall. "We wanted to make it more delicate and not so dominatrix."

Retail-wise, specialty lingerie stores will always be more inclined to buy into more directional looks, but mainstream outlets are also showing increased interest. "Our customer loves to incorporate edgy styling elements into her wardrobe," says Jenny Fuchs, a buyer for Shopbop, which carries Hanky Panky After Midnight and picked up For Love & Lemons for fall. "These lingerie styles featuring multiple straps and peekaboo detailing give her that risqué feel, but can still be subtly feminine."

"Women of today are being more experimental," says Noe's Rae. "The word 'bondage' isn't as faux pas as it used to be. We use that word to describe some of our pieces, and in the past, it would be like you can't bring that word into the collection unless you really have that dark feeling. But now, [the market] seems a lot more open to that kind of exploratory world."

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Polyester and spandex velvet bra and panties set by Skivvies by For Love & Lemons. Necklace by Dogeared; mules by Emy Mack.  
Photo By George Chinsee

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THURSDAY, 10/28/2010 9:10 AM

## Hooking Up: You Must See This Racy Thong!

by Rosemary Brennan



0

Comments

0

**A**re you a fan of **Hanky Panky** thongs? Though I'm mostly a brief girl, I do love Hanky Panky thongs; they're super comfortable and wonderfully feminine. When I spotted their new, **even sexier line** I had to share it with you dolls.



Ladies, I'm thrilled to introduce you to Hanky Panky's **After Midnight gift set** available on Shopbop. The red-hot set includes a **Jimmyjane** candle, an adorable bralette and a matching thong. Here's the kicker: the bralette features ribbons that untie to unveil your goodies. Plus, the lacy thong is open (AKA crotchless!). Can you just imagine the look on your honey's face once your peek-a-boo secrets are revealed? He will flip.

**What do you ladies think of crotchless undies? Have you ever worn a pair? Or would you prefer to just go **commando**? Would you wear this risqué red set? How would your guy react if he saw you in it?**

**Let me see that *thong*!**

\* **Which of these undies do you like best?**

\* **Victoria Secret unveils their super racy Halloween line.**

\* **Ooh la la, check out these sexy bras.**



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**PREV STORY**

**Blake Lively and Penn Badgely Broke Up!**

**NEXT STORY**

**Spice Up Foreplay With These Sexy Moves**



**The New York Times**

February 13, 2013

# An Arresting Trend in Intimate Wear

By RACHEL FELDER

It was probably inevitable that we see fifty shades of lingerie.

At La Petite Coquette in Greenwich Village, silk restraints and black leather spanking paddles are now on display near more-conventional black lace bras and coordinated panties.

En route to the dressing rooms at Sugar Cookies, a cozy women's underwear boutique in Chelsea that carries Chantelle thongs and Welford stockings, shoppers pass a mannequin wearing a torso-long jet pearl beaded slim harness with a small link near the neckline, designed for the attachment of a leash.

Enchante in Chicago, in the same building as Gucci and Bloomingdale's, is selling French lace masks alongside delicate briefs from luxury lines like Lise Charmel and Aubade.

Coeur, a lingerie shop off Rittenhouse Square in Philadelphia's Center City district, now stocks not only high-end underwear from European brands like La Perla and PrimaDonna but (in a designated room) Ben Wa balls, handcuffs and whips.

All these new accouterments are not just for show. Sales of the Hanky Panky After Midnight collection — the popular lingerie brand's selection of saucier items, like crotchless open panties and lace cuffs that are, if you will, fit to be tied — have grown 30 percent over the last year, according to the company.

Lelo, a line of upscale sex accessories like suede whips and vibrators that is carried in many lingerie stores, said it saw an 80 percent increase in sales for blindfolds and 100 percent for cuffs and restraints in 2012 over the previous year. Both attribute the increased interest to the best-seller series "Fifty Shades of Grey," by E. L. James.

The snug atmosphere of a lingerie boutique — which usually employs women, is centrally located and filled with pretty items for the boudoir — might offer an approachable gateway into purchasing products that are decidedly not vanilla.

"It's just a matter of upping the luxury factor and packaging it in a way that really speaks to a different woman who might be intimidated by something more blatant or something with a harder edge, or who might not go into a store like The Leather Man on Christopher Street,"

said Tristan Taormino, who has written many books on sexuality and is the editor of "The Ultimate Guide to Kink."

Customers like Tracy Solomon, 33, a nonprofit project administrator who shops regularly at Oh Baby, a few blocks from her home in Portland, Ore. (where some of the key scenes in "Fifty Shades" take place), have grown accustomed to the new wares.

"I really like that one-on-one, boutique customer service that I get," said Ms. Solomon, who is planning to pick up Crave's Duet — a \$155 vibrator that could easily be mistaken for a high-tech tuning fork — as a Valentine's Day present to herself.

Also now at the store: a \$79 thong with around 20 feet of ribbon attached to use in a myriad ways, such as tying the wearer to a bedpost. This is in the same general category as Lelo's Italian silk restraints, for binding wrists or ankles, which seem more like bright scarves you would buy on a European vacation than X-rated toys.

"We purposely came to market with a high-quality look for our accessories, because we felt like we wanted to ally with high-end lingerie," said Donna Faro, Lelo's director of sales and marketing for North and South America. "One of our main goals was to make the consumer feel comfortable with purchasing items that can be intimidating."

The price might also intimidate. Lelo's three "pleasure sets" start at \$119, and the upscale Fleur du Mal blindfold sells for is \$75. But the luxurious contexts are perhaps helping to make formerly outré accessories more palatable.

"It's an emotional, psychological sell, so I think in a lingerie shop you want to create the atmosphere that hopefully you can recreate at home in your own bedroom," said Joanna Coles, the editor in chief of Cosmopolitan, whose Web site offers a slide show of sex tips inspired by Ms. James's series. "It's evocative in the way that when you go into Crate & Barrel, they always put the dining room table on a rug, with chairs."

## **EXHIBIT E**



# United States of America

United States Patent and Trademark Office

## HANKY PANKY AFTER MIDNIGHT

**Reg. No. 4,195,014**

**Registered Aug. 21, 2012**

**Int. Cl.: 25**

**TRADEMARK**

**PRINCIPAL REGISTER**

HANKY PANKY, LTD. (NEW YORK CORPORATION)

373 PARK AVENUE SOUTH

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FOR: G-STRINGS, THONGS, UNDERPANTS, BRALETTES, BRAS, CAMISOLES, CORSETS, BOYSHORTS, CHEMISES, SLIPS, GOWNS, ROBES, HOSIERY, AND SLEEPWEAR, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 2-0-2010; IN COMMERCE 2-0-2010.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,847,981, 3,196,011, AND 3,405,101.

SN 77-945,693, FILED 2-26-2010.

ANGELA DUONG, EXAMINING ATTORNEY



*David S. Kybas*

Director of the United States Patent and Trademark Office

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**What and When to File:**

***First Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

***Second Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\*  
*See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

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**Grace Period Filings\***

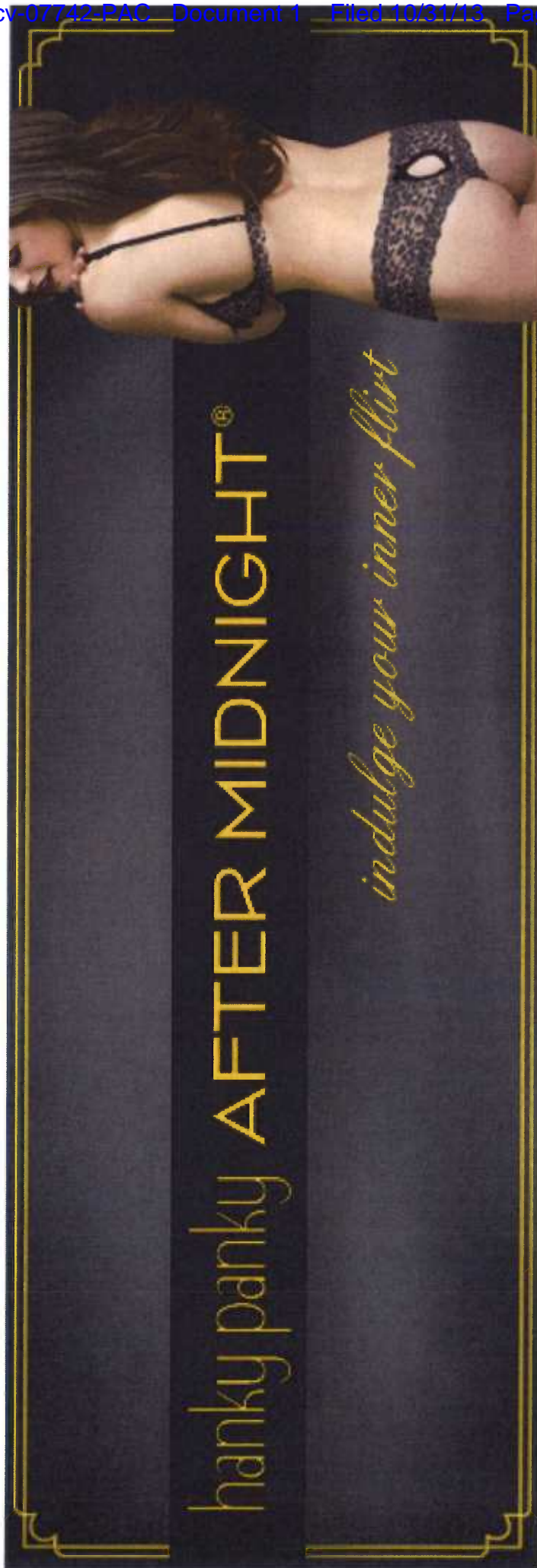
The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements.**

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE:** Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

## **EXHIBIT F**





## **EXHIBIT G**

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

**United States Patent and Trademark Office**

**Reg. No. 3,328,788**

Registered Nov. 6, 2007

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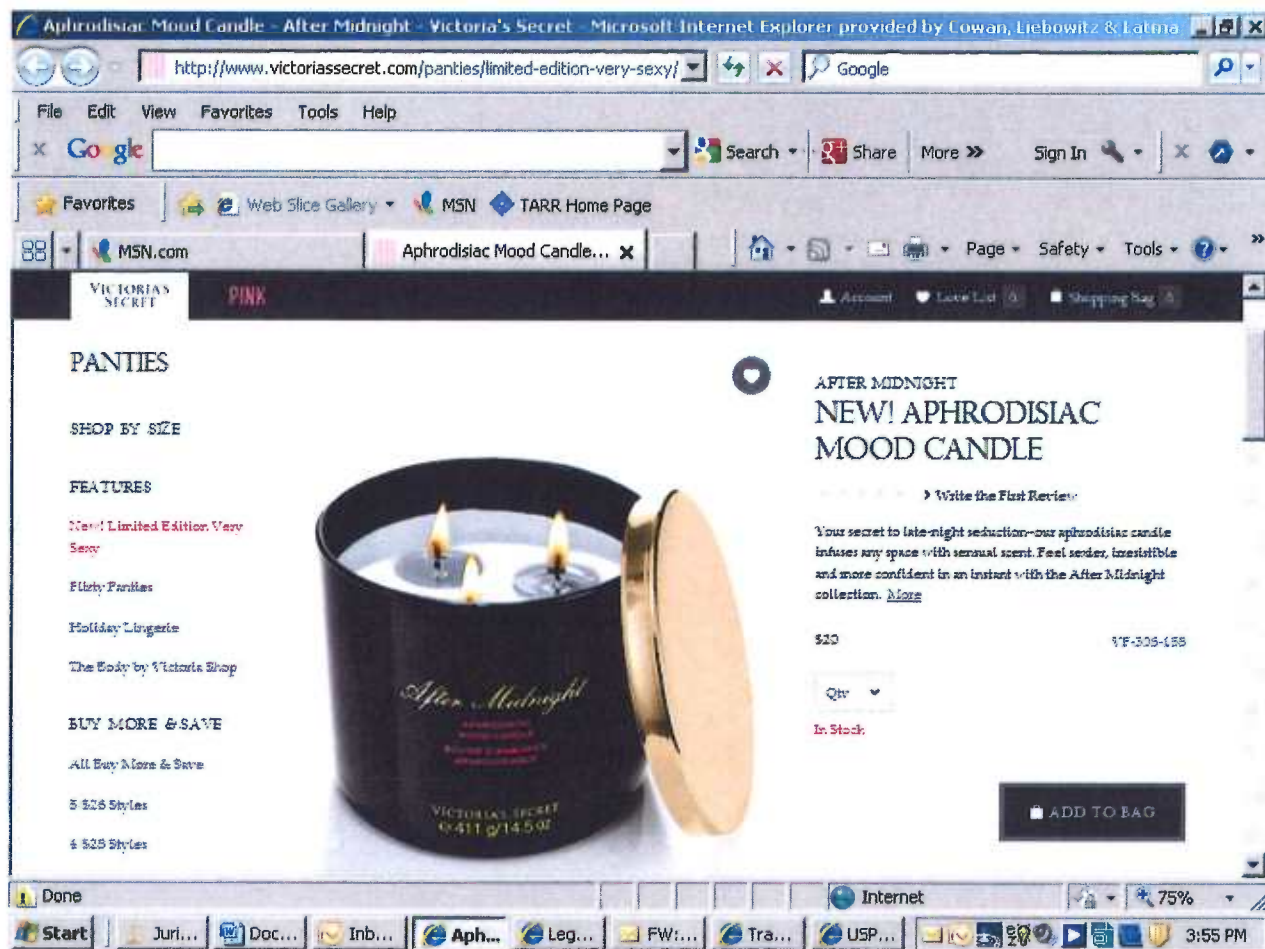
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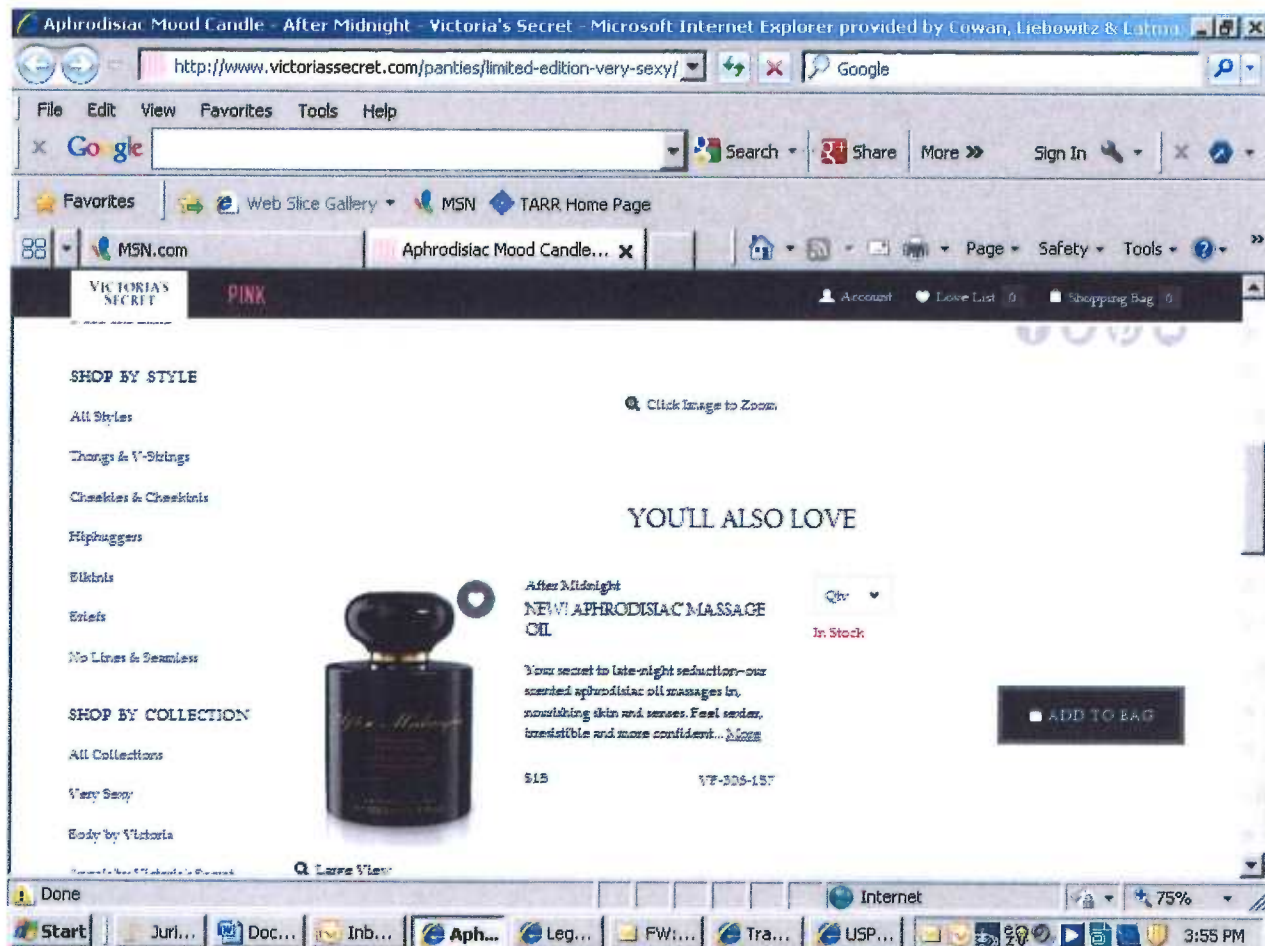
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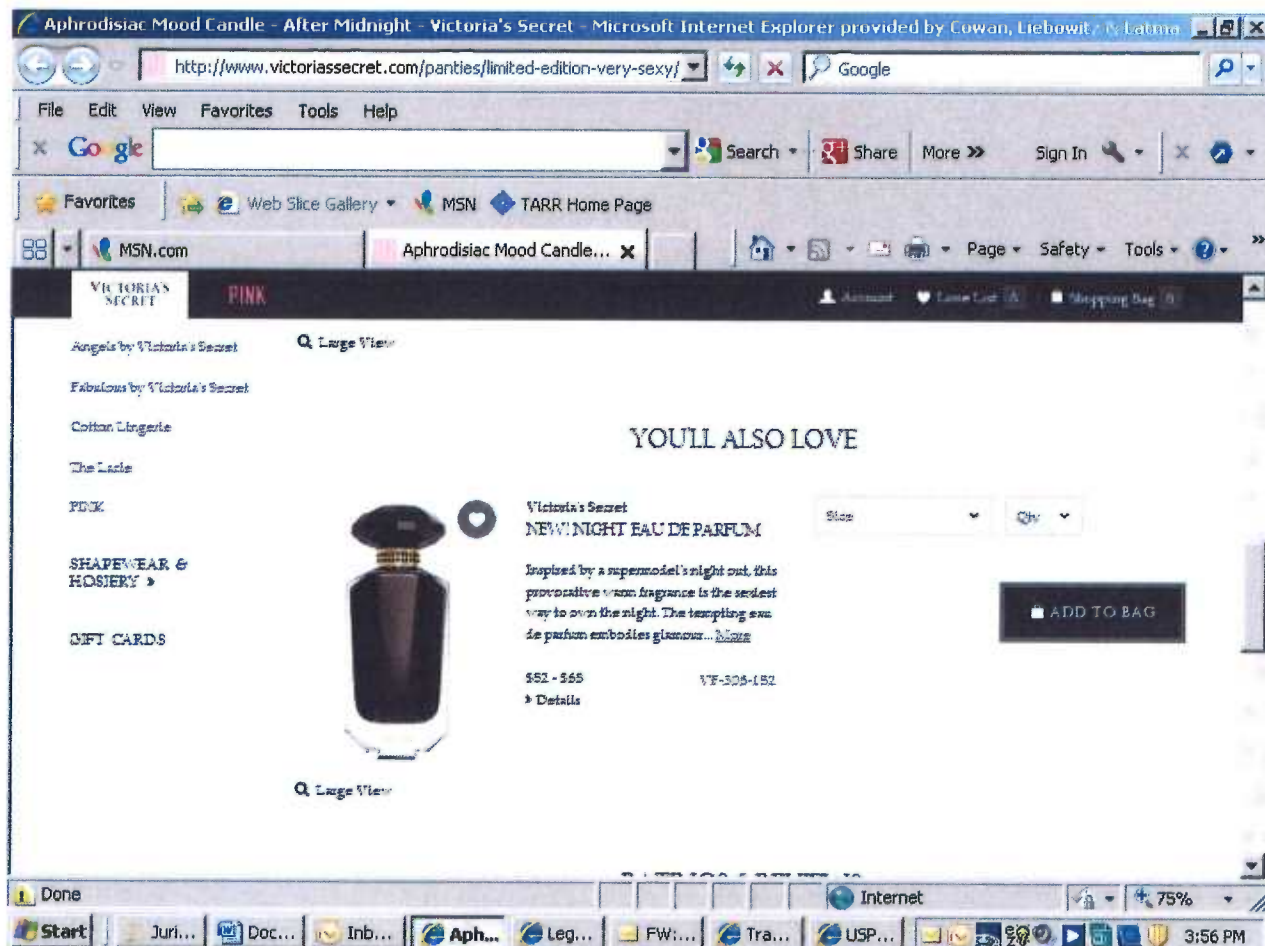
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## **EXHIBIT H**









# **EXHIBIT I**

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